

Carolyn A. Taylor TBA #08526800/FIN 1290
Dominique Varner TBA #00791182/FIN 18805
Brendetta A. Scott TBA #24012219/FIN 24592
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ATTORNEY FOR BAYVIEW LOAN SERVICING, LLC

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

IN RE:	§	
	§	CASE NO. 08-36278
CARMEN ADRIANA DE LA TORRE	§	
	§	CHAPTER 13
DEBTOR	§	

OBJECTION TO CONFIRMATION OF CHAPTER 13 PLAN

TO THE HONORABLE UNITED STATES BANKRUPTCY JUDGE:

COMES NOW, BAYVIEW LOAN SERVICING, LLC ("BAYVIEW LOAN SERVICING, LLC") and files this its Objection to Confirmation of Chapter 13 Plan, and would respectfully show as follows:

1. BAYVIEW LOAN SERVICING, LLC holds a perfected security interest in all that certain real property described to wit:

MORE COMMONLY KNOWN AS 2623 VIVA DR., MESQUITE, TEXAS 75150

("PROPERTY").

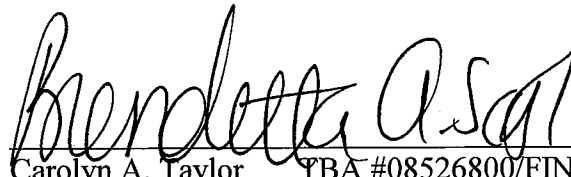
A copy of said Deed of Trust is attached hereto and incorporated by reference as Exhibit "A".

2. The total amount owed BAYVIEW LOAN SERVICING, LLC by Debtor, CARMEN ADRIANA DE LA TORRE on the loan secured by the Property as of the date of bankruptcy is \$85,119.66 ("Claim Amount"), with interest and attorney fees continuing to accrue.

3. Upon information and belief, the Plan does not propose to pay the full amount of the claim secured by the Property having a pre-petition arrearage of \$4,944.82. Debtor's Chapter 13 Plan lists the scheduled pre-petition arrearage amount as \$4,179.52. Also, plan has Mortgagee as M & T Bank, which should be Bayview Loan Servicing, LLC. A copy of the secured proof of claim, which details the arrearage, is attached hereto and incorporated by referenced as Exhibit "B".

WHEREFORE, BAYVIEW LOAN SERVICING, LLC prays that the confirmation of the Debtor's Chapter 13 Plan be DENIED for the reasons stated hereinabove.

Respectfully submitted:



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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Objection to Confirmation of Debtor's Chapter 13 Plan has been sent by electronically mail and/or first class U. S. Mail, postage prepaid on the 9th day of February, 2009 to the following:

DEBTOR
CARMEN ADRIANA DE LA TORRE
101 SUNBIRD LN.
SUNNYVALE, TEXAS 75182

DEBTORS ATTORNEY
AREYA HOLDER
800 W. AIRPORT FRY., SUITE 540
IRVING, TEXAS 75062

TRUSTEE
THOMAS DWAIN POWERS
125 E. JOHN CARPENTER FRY.
SUITE 1100
IRVING, TEXAS 75062

U.S. TRUSTEE
1100 COMMERCE ST.
ROOM 976
DALLAS, TEXAS 75242



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